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09/933,957	08/20/2001	Jeff Jacob Brauer		7951

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Robert Brauer
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Columbia, MD 21046

EXAMINER

VAN BRAMER, JOHN W

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/933,957

Applicant(s)

BRAUER, JEFF JACOB

Examiner

John Van Bramer

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08202001:10152001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 13 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

A claim which makes reference to a previous claim is considered by the Office to be a dependent claim. Claim 13 refers back to the "operations recited in claim 1", and is, therefore, considered to be a dependent claim.

Claim 1 is a method claim which recites four steps: receiving search criteria; assigning a discount; paying a rebate amount; and collecting a transaction fee. Claim 13 does not add, delete, or change any of these steps; thus, it does not further limit its parent claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 3622

3. Claims 1, and 3-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Forward (U.S. Patent Number: 6,578,011).

Claim 1: Forward 1. A method for conducting a real estate transaction between a real estate buyer and a real estate seller, the method comprising:

- a. Receiving a property search criteria from the real estate buyer. (Col 5, lines 3-19)
- b. Assigning a discount code to the real estate buyer. (Col 5, lines 20-50)
- c. Said discount code being associated with a target property. (Col 5, lines 20-50)
- d. If the real estate buyer procures said target property:
 - i. Paying the real estate buyer a rebate amount. (Col 6, lines 4-52)
 - ii. Collecting a transaction fee from the real estate seller, said transaction fee including said rebate amount. (Col 6, lines 4-52)

Claim 3: Forward discloses a method of claim 1, wherein the real estate buyer purchases title of said target property. (Col 5, line 61 through Col 6, line 3)

Claim 4: Forward discloses a method of claim 1, further comprising:

- a. Receiving qualifying information from the real estate buyer. (Col 5, lines 4-19)

Art Unit: 3622

- b. Providing said qualifying information to the real estate seller of said target property. (Col 5, lines 41-50)

Claim 5: Forward discloses a method of claim 4, further comprising searching a database for said target property using said qualifying information. (Col 5, lines 4-19)

Claim 6: Forward discloses a method of claim 1, further comprising searching a database for said target property using said property search criteria. (Col 4, line 60 through Col 5, line 19)

Claim 7: Forward discloses a method of claim 1, further comprising receiving confirmation that the real estate buyer procured said target property. (Col 6, lines 4-29)

Claim 8: Forward discloses a method of claim 1, further comprising directing the real estate buyer to the real estate seller. (Col 5, lines 41-60)

Claim 9: Forward discloses a method of claim 8, further comprising collecting a referral fee from the real estate seller after directing the real estate buyer to the real estate seller. (Col 6, lines 4-41)

Claim 10: Forward discloses a method of claim 1, wherein

- a. If the real estate buyer does not procure said target property
 - i. Assigning the real estate buyer a secondary discount code
(Col 4, lines 23-32 and Col 5, lines 4-50)

Art Unit: 3622

ii. The secondary discount code being associated with a second property shown by the real estate seller. (Col 4, lines 23-32 and Col 5, lines 4-50)

Claim 11: Forward discloses a method of claim 10, wherein

a. If the real estate buyer procures said second property:

i. Paying the real estate buyer said rebate amount. (Col 6, lines 42-52)

ii. Collecting said rebate amount and said transaction fee from the real estate seller. (Col 6, lines 4-41)

Claim 12: Forward discloses a method of claim 1, wherein paying the real estate buyer a rebate amount further comprises receiving confirmation that the real estate buyer procured said target property. (Col 6, lines 4-52)

Claim 13: Forward discloses a computer-readable medium having computer-executable instructions for performing the operations recited in claim 1. (Col 5, lines 3-19; Col 5, lines 20-50; Col 5, lines 20-50; Col 6, lines 4-52; and Col 6, lines 4-52)

Claim 14: Forward discloses a system for conducting a real estate transaction, the system comprising:

a. A real estate seller offering a target property for one of purchase and rent. (Col 5, line 61 through Col 6, line 3)

Art Unit: 3622

- b. A real estate buyer procuring said target property from said real estate seller. (Col 5, line 61 through Col 6, line 3)
- c. A real estate host listing said target property in a host database. (Col 2, 46-67 and Col 4, line 13 through Col 5 line 3)
- d. Said real estate host assigns a discount code to said real estate buyer. (Col 5, lines 20-50)
- e. Said discount code being associated to said target property such that when said real estate buyer procures said target property. (Col 5, lines 20-50)
- f. Said host pays said real estate buyer a rebate amount. (Col 6, lines 30-52)

Claim 15: Forward discloses a method of claim 14, wherein said real estate host receives qualifying information from said real estate buyer. (Col 5, lines 4-19)

Claim 16: Forward discloses a method of claim 14, wherein said real estate host receives a property search criteria from said real estate buyer. (Col 5, lines 3-19)

Claim 17: Forward discloses a method of claim 14, wherein said real estate buyer searches for said target property on said host database. (Col 5, lines 3-19)

Claim 18: Forward discloses a method of claim 14, wherein said real estate host receives confirmation from said real estate buyer that said real estate buyer procured target property. (Col 6, lines 4-29)

Claim 19: Forward discloses a method of claim 14, wherein said real estate host collects a referral fee from said real estate seller after directing said real estate buyer to said real estate seller. (Col 6, lines 4-41)

Claim 20: Forward discloses a method of claim 14, wherein said real estate host collects a transaction fee from said real estate seller after said real estate buyer procures said target property. (Col 6, lines 4-41)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Forward (U.S. Patent Number: 6,578,011).

Claim 2: Forward discloses a method of conducting a real estate transaction between a buyer and seller as in claim 1 above, but does not explicitly disclose that the transaction is conducted as a rental transaction. Forward (Col 3, lines 58 through Col 4, line 3) does teach that his invention is particularly useful when a transaction involves an

Art Unit: 3622

agent that receives a commission. Modifying or including a step for rental transactions in the teachings of Forward would have been obvious to one of ordinary skill in the art at the time of the application in view of the applicants admitted prior art (Pg 1. Col 1, par. 0003) in order to allow the host to maximize its potential commissions by offering a plurality real estate properties with varying contract options to potential buyers.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fraser (U.S. Patent Number: 5,664,115) which discloses a similar technique for matching real estate buyers and sellers, and includes a specific mechanism for reporting to the seller, a potential buyers ability to obtain financing. Tornetta (U.S. Patent Number: 4,870,576) which discloses a technique for locating real estate available for purchase, based upon financial and geographic criteria.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 9am - 5pm Monday through Friday.

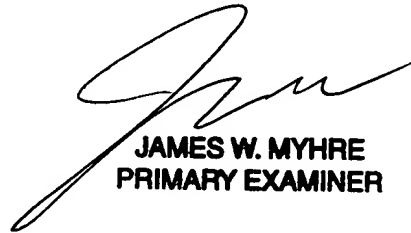
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



October 20, 2005



JAMES W. MYHRE
PRIMARY EXAMINER